

62
6

HAYTER | REYNOLDS

ATTORNEYS

9045 Ellerbe Road, Suite 103
Shreveport, Louisiana 71106

JOHN O. HAYTER, III (APLC)
LAUREN H. REYNOLDS**
CYNTHIA WOLFF PEATROSS*# (APLC)

#Of Counsel

*Also licensed in the State of Texas

**Also licensed in the State of Georgia

Telephone: (318) 698-3000

Facsimile: (318) 698-3234

www.hayterlaw.com

john@hayterlaw.com
lauren@hayterlaw.com
cynthia@hayterlaw.com

March 24, 2016

VIA USPS

Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, Louisiana 70821

Re: Request for Advisory Opinion on behalf of Raymond Hill, II and
Thermo-technics Air Conditioning, Heating and Refrigeration, Inc.

Dear Board of Ethics Members:

This letter seeks an advisory opinion from the Louisiana Board of Ethics regarding Louisiana Revised Statute 42:1113. My client, Raymond Hill, II ("Raymond") owns a company called Thermo-technics Air Conditioning, Heating and Refrigeration, Inc. ("Thermo-technics") that installs and services HVAC systems. Raymond's son, Ray Hill ("Ray"), is the Superintendent of Buildings for the Shreveport Public Assembly & Recreation department ("SPAR") for the City of Shreveport ("City"). He has worked for the City for fifteen years. In his position, he supervises City employees who work at each of the City's buildings. Those employees are titled as building manager or maintenance person.

In 2015, SPAR opened to the public a competitive bidding process for a project to replace the cooling tower for Riverview Hall/Theatre in Shreveport, Louisiana (the "Project"). Thermo-technics was the low bidder on the Project, but a dispute arose regarding its failure to acknowledge an addendum that was filed less than 72 hours before the bid opening. Thermo-technics is challenging the rejection of its low bid. If Thermo-technics successfully challenges the low bid, it will enter into a contract with SPAR where Raymond's son works.

We are seeking an advisory opinion regarding whether Thermo-technics may enter into a contract with SPAR for the Project or other similar projects in the future and not be in violation of La. R.S. 42:1113.

Ray Hill, the SPAR employee, was not involved in the bidding or design process for the Project and will not be involved in the bidding and design of future projects. He does not supervise the construction of SPAR projects. His involvement begins after the projects are completed as the management of the maintenance of those buildings falls within the purview of his supervision.

March 24, 2016
Page 2

Any defects in the equipment installed on projects by Thermo-technics or other contractors is covered by a manufacturer's warranty, so all claims for defective equipment would be with the manufacturer, not Thermo-technics or another contractor. Any claim for a defect in workmanship would not be determined by Ray Hill, because he is not a licensed contractor or design professional. The engineer on the Project must identify any defective work and notify the HVAC contractor to repair or replace any defective work.

There are no business dealings between Raymond and Ray. They would have no contact during construction of the Project. The only connection would be Ray's supervision of the building manager for the building involved in the project. The building manager insures the HVAC system is working properly.

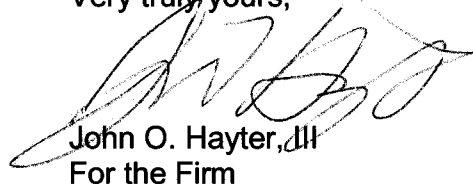
When this issue was raised once before, former Shreveport City Councilwoman Joyce Brown contacted the Shreveport City Attorney on Thermo-technics's behalf regarding the relationship between Thermo-technics and/or Raymond with Ray with respect to bidding on SPAR projects. At that time, the Shreveport City Attorney advised that there was no ethics violation as long as Ray was not a department head. We have been unable to locate an opinion of this body in that regard. Therefore, we do not know if the City Attorney's opinion involved an advisory opinion or not.

Louisiana Revised Statutes 42:1113(D)(b)(i) provides an exclusion for the spouses of certain public servants to avoid the prohibition of La. R.S. 42:1113 if the contract is competitively bid. We believe the logic of that exclusion should be extended by analogy to encompass Thermo-technics as to the Project, which was competitively bid.

I look forward to your opinion on this matter. Please do not hesitate to contact me or my office should you have any questions regarding this matter or require additional information.

With kind regards, I am

Very truly yours,



John O. Hayter, III
For the Firm

JOH/lhr
CC: Mr. Raymond Hill, II